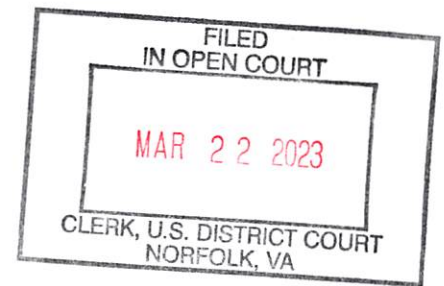


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Newport News Division



UNITED STATES OF AMERICA,)	CRIMINAL NO. 4:23-cr- <u>27</u>
)	
v.)	
)	18 U.S.C. § 2252A(a)(2)
RICHARD JEROD WHITLEY, JR.,)	Distribution of Child Pornography
)	(Counts 1 - 5)
Defendant.)	
)	18 U.S.C. § 2252A(a)(2)
)	Receipt of Child Pornography
)	(Counts 6 - 10)
)	
)	18 U.S.C. § 2253
)	Forfeiture

INDICTMENT

MARCH 2023 TERM - at Norfolk, Virginia

THE GRAND JURY CHARGES THAT:

COUNT ONE

(Distribution of Child Pornography)

On or about August 23, 2022, in the Eastern District of Virginia and elsewhere, the defendant, RICHARD JEROD WHITLEY, JR., knowingly distributed material containing an image of child pornography as defined by 18 United States Code § 2256(8), to wit: "1_5107281289690480973.mp4" a video file depicting actual and simulated lascivious exhibition of an adult male engaged in sexually explicit conduct with a prepubescent juvenile male, specifically, actual and simulated masturbation, that had been mailed using any means and facility of interstate and foreign commerce shipped and transported in or affecting interstate and foreign commerce by any means, including by computer.

(In violation of Title 18, United States Code, Section 2252A(a)(2) and(b)(1)).

COUNT TWO

(Distribution of Child Pornography)

On or about October 26, 2022, in the Eastern District of Virginia and elsewhere, the defendant, RICHARD JEROD WHITLEY, JR., knowingly distributed material containing an image of child pornography as defined by 18 United States Code § 2256(8), to wit: “video-eb891cdb9519069ef55969edb288f6a-V.mp4 (d114e463-9530-4cff-bf3d-689122c74222)” a video file depicting actual and simulated lascivious exhibition of a prepubescent juvenile male engaged in sexually explicit conduct with an early pubescent juvenile male, specifically, actual and simulated oral-genital intercourse, that had been mailed using any means and facility of interstate and foreign commerce shipped and transported in or affecting interstate and foreign commerce by any means, including by computer.

(In violation of Title 18, United States Code, Section 2252A(a)(2) and(b)(1)).

COUNT THREE

(Distribution of Child Pornography)

On or about December 13, 2022, in the Eastern District of Virginia and elsewhere, the defendant, RICHARD JEROD WHITLEY, JR., knowingly distributed material containing an image of child pornography as defined by 18 United States Code § 2256(8), to wit: “video-71946a323fec6ff889d22e09c4c0d1e6-V.mp4” a video file depicting actual and simulated lascivious exhibition of two nude prepubescent juvenile males engaged in sexually explicit conduct, specifically, actual and simulated anal-genital intercourse, that had been mailed using any means and facility of interstate and foreign commerce shipped and transported in or affecting interstate and foreign commerce by any means, including by computer.

(In violation of Title 18, United States Code, Section 2252A(a)(2) and(b)(1)).

COUNT FOUR

(Distribution of Child Pornography)

On or about December 18, 2022, in the Eastern District of Virginia and elsewhere, the defendant, RICHARD JEROD WHITLEY, JR., knowingly distributed material containing an image of child pornography as defined by 18 United States Code § 2256(8), to wit: “video-bc693a92f867d6f0fd46a4a3b819c438-V.mp4” a video file depicting actual and simulated lascivious exhibition of a nude prepubescent juvenile male engaged in sexually explicit conduct, specifically, actual and simulated anal-genital intercourse with an adult male, that had been mailed using any means and facility of interstate and foreign commerce shipped and transported in or affecting interstate and foreign commerce by any means, including by computer.

(In violation of Title 18, United States Code, Section 2252A(a)(2) and(b)(1)).

COUNT FIVE

(Distribution of Child Pornography)

On or about January 1, 2023, in the Eastern District of Virginia and elsewhere, the defendant, RICHARD JEROD WHITLEY, JR., knowingly distributed material containing an image of child pornography as defined by 18 United States Code § 2256(8), to wit: “video-cfd03b789a013b71ba75abbf2aa91b91-V.mp4” a video file depicting actual and simulated lascivious exhibition of a nude prepubescent juvenile male engaged in sexually explicit conduct, specifically, actual and simulated anal-genital intercourse with an adult male, that had been mailed using any means and facility of interstate and foreign commerce shipped and transported in or affecting interstate and foreign commerce by any means, including by computer.

(In violation of Title 18, United States Code, Section 2252A(a)(2) and(b)(1)).

COUNT SIX

(Receipt of Child Pornography)

On or about June 24, 2022, in the Eastern District of Virginia and elsewhere, the defendant, RICHARD JEROD WHITLEY, JR., knowingly received material containing an image of child pornography as defined by 18 United States Code § 2256(8), to wit: “1_4915695043567681754.mp4” a video file depicting actual and simulated lascivious exhibition of a nude prepubescent juvenile male engaged in sexually explicit conduct, specifically, actual and simulated oral-genital and anal-genital intercourse with an adult male, that had been mailed using any means and facility of interstate and foreign commerce shipped and transported in or affecting interstate and foreign commerce by any means, including by computer.

(In violation of Title 18, United States Code, Section 2252A(a)(2) and(b)(1)).

COUNT SEVEN

(Receipt of Child Pornography)

On or about October 1, 2022, in the Eastern District of Virginia and elsewhere, the defendant, RICHARD JEROD WHITLEY, JR., knowingly received material containing an image of child pornography as defined by 18 United States Code § 2256(8), to wit: “1_5006117466791739515.mp4” a video file depicting actual and simulated lascivious exhibition of a nude early pubescent juvenile male engaged in sexually explicit conduct, specifically, actual and simulated oral-genital intercourse, masturbation, and anal-genital intercourse with an adult male, that had been mailed using any means and facility of interstate and foreign commerce shipped and transported in or affecting interstate and foreign commerce by any means, including by computer.

(In violation of Title 18, United States Code, Section 2252A(a)(2) and(b)(1)).

COUNT EIGHT

(Receipt of Child Pornography)

On or about October 1, 2022, in the Eastern District of Virginia and elsewhere, the defendant, RICHARD JEROD WHITLEY, JR., knowingly received material containing an image of child pornography as defined by 18 United States Code § 2256(8), to wit: “1_5179596203809047092.mp4” a video file depicting actual and simulated lascivious exhibition of a nude prepubescent juvenile male engaged in sexually explicit conduct, specifically, actual and simulated oral-genital and anal-genital intercourse with an adult male, that had been mailed using any means and facility of interstate and foreign commerce shipped and transported in or affecting interstate and foreign commerce by any means, including by computer.

(In violation of Title 18, United States Code, Section 2252A(a)(2) and(b)(1)).

COUNT NINE

(Receipt of Child Pornography)

On or about October 1, 2022, in the Eastern District of Virginia and elsewhere, the defendant, RICHARD JEROD WHITLEY, JR., knowingly received material containing an image of child pornography as defined by 18 United States Code § 2256(8), to wit: “4_6046258889756772516.mp4” a video file depicting actual and simulated lascivious exhibition of a nude prepubescent juvenile male engaged in sexually explicit conduct with a nude prepubescent female toddler, specifically, actual and simulated oral-genital intercourse, that had been mailed using any means and facility of interstate and foreign commerce shipped and transported in or affecting interstate and foreign commerce by any means, including by computer.

(In violation of Title 18, United States Code, Section 2252A(a)(2) and(b)(1)).

COUNT TEN

(Receipt of Child Pornography)

On or about December 3, 2022, in the Eastern District of Virginia and elsewhere, the defendant, RICHARD JEROD WHITLEY, JR., knowingly received material containing an image of child pornography as defined by 18 United States Code § 2256(8), to wit: “Shota赠送资源42 .mp4” a video file depicting actual and simulated lascivious exhibition of a nude prepubescent juvenile male engaged in sexually explicit conduct with an adult male, specifically, lascivious exhibition of the anus and genitals of the prepubescent juvenile male and actual or simulated sadistic or masochistic abuse, that had been mailed using any means and facility of interstate and foreign commerce shipped and transported in or affecting interstate and foreign commerce by any means, including by computer.

(In violation of Title 18, United States Code, Section 2252A(a)(2) and(b)(1)).

FORFEITURE

THE GRAND JURY FURTHER FINDS PROBABLE CAUSE THAT:

1. Pursuant to Rule 32.2(a) FED. R. CRIM. P., the defendant is hereby notified that, if convicted of any of the violations alleged in this Indictment, the defendant shall forfeit the following property to the United States as part of the sentencing:

a. any and all matter which contains child pornography or any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, 2252, 2252A, 2252B, or 2260 produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Section 2251 *et seq.*;

b. any and all property, real or personal, used or intended to be used to commit or to promote the commission of violations of Title 18, United States Code, Section 2251 *et seq.*, and any property traceable to such property; and

c. any and all property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the violations of Title 18, United States Code, Section 2251 *et seq.*

2. If any property that is subject to forfeiture above is not available, it is the intention of the United States to seek an order forfeiting substitute assets pursuant to Title 21, United States Code, Section 853(p) and Federal Rule of Criminal Procedure 32.2(e).

3. The property subject to forfeiture includes, but is not limited to, the following:

- Samsung Galaxy Note 9, S/N: SM-N960U1
- Blue HP Laptop, S/N: CND9100NT7
- Black HP Laptop, S/N: 5CD0388CK3
- SD Card, S/N: 7155duetq24p
- Blue WD External Hard Drive, S/N: WXH1A484J4D7
- WD MyPassport Hard Drive, S/N: WXC2DA13LSXX

(In accordance with Title 18, United States Code, Section 2253).

United States v. Richard Jerod Whitley, Jr.
Criminal No. 4:23-cr- 27

Pursuant to the E-Government Act,
the original of this page has been filed
under seal in the Clerk's Office.

A TRUE BILL:

REDACTED COPY

FOREPERSON

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UNITED STATES ATTORNEY

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